

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF MASSACHUSETTS**

C.A. NO. 05-40075FDS

DANIEL HOUDE,

Plaintiff,

v.

ROBERT TURGEON, STEPHEN GUNNERSON,
KEVIN JOHANSON, MATTHEW D'ANDREA,
BRIAN HALLORAN, THOMAS DUFFY,
SEAN MCCANN and CITY OF WORCESTER

Defendants.

**PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION IN LIMINE AS TO
CIVILIAN COMPLAINTS AGAINST DEFENDANTS**

Plaintiff Daniel Houde hereby submits this opposition to Defendants' Motion In Limine As to Civilian Complaints Against Defendants. As reasons therefore, Plaintiff states as follows:

(1) Defendants seek to exclude all evidence contained in civilian complaints against the defendant officers in this matter. Defendants are not entitled to such a blanket ruling.

(2) Prior bad acts of an officer, such as the allegations contained in some of the civilian complaints brought against the officers in this case are admissible under certain circumstances. Rule 404(b) provides:

Other Crimes, Wrongs, or Acts — Evidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show

action in conformity therewith. It may, however, be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident...

(3) Here, Plaintiff will only seek to introduce other civilian complaints against the same officers at issue in this case and those that involved similar allegations as those made by Plaintiff. This evidence shall only be offered to show motive, opportunity, intent, preparation, plan, knowledge or absence of mistake or accident and for no other purpose.

(4) Under these circumstances, and particularly if Defendants deny ever engaging in such conduct, the Court should allow the Defendants to be cross-examined with the fact that they have been accused of similar conduct by other civilians.

WHEREFORE, Plaintiff requests that the Court deny Defendants' motion in limine as to excessive force lawsuits.

Respectfully submitted,

PLAINTIFF DANIEL HOUDE,

By his attorney,

/s/ Timothy J. Perry

Timothy J. Perry (BBO #631397)

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Certificate Regarding Service

I hereby certify that this document was served upon all counsel of record by the Court's ECF system.

Date: January 28, 2008

/s/ Timothy J. Perry
Timothy J. Perry